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Libel Trial Fails as Historical Landmark

Westmoreland v. CBS Has Been a War Over Numbers, Not Vietnam Policy

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It was billed as Vietnam redux, a legal rehashing of who lost that controversial war—the military, the politicians or the news media.

But after nine weeks of testimony in the $120 million libel trial of retired general William C. Westmoreland against CBS Inc., there have been few recriminations and few moments of residual anger from the days when a nation and its leaders were bitterly divided about what should happen in Southeast Asia.

My Lai, the brutal killing of civilians by U.S. forces, and the Tet offensive, considered by many the psychological turning point in the war, have remained shadowy events, off center stage, while the bombing of Cambodia barely has been mentioned.

Instead, the war of words in Manhattan's U.S. District Court has been one over numbers, statistics. The trial has steadily narrowed to a search for the truth of what happened one evening in May 1967, perhaps May 11. On the night in question, one of Westmoreland's officers brought him a cable containing new enemy-troop figures, and the general refused to give it his stamp of approval.

For historians and many journalists, the courtroom restraint has been a disappointment, a chance forever missed to get some of the luminaries of the Vietnam era on the record under oath.

But for others, the fight is symbolic of a larger, constant one from the war years—a contest between those who believed the numbers would win the public relations war and those who thought the enemy would lose on the battlefield.

"The whole idea that if you just got the numbers right you could win the war is ridiculous," said Army historian Col. Harry G. Summers Jr., author of "On Strategy: A Critical Analysis of the Vietnam War."

"The problem in Vietnam was not the numbers; it was the policy," he said.

Summers likes to tell a parable that circulated at the Pentagon in 1969. The story was that officials plugged all the data on North Vietnam and the United States into a computer—everthing from their gross national products to sizes of their armies. Then the machine was asked when the United States could win the war.

"The answer came back quickly," Summers said. "It was 1964."

The crucial issue in *Westmoreland v. CBS Inc.* is whether CBS defamed the four-star general in a 1982 documentary that charged him with a conspiracy to hide enemy-troop data from his superiors, including President Lyndon B. Johnson.

The broadcast, "The Uncounted Enemy: A Vietnam Deception," charged that because Westmoreland and others suppressed higher enemy-strength figures and talked about how the communists were running out of men in 1967, the president, Congress and the people were surprised and disillusioned a few months later when the Viet Cong mounted an organized and surprise attack on the U.S. Embassy and virtually every village in South Vietnam.

More specifically, the trial turns on whether Westmoreland refused to allow "home milita"—often women, children and old men—to be listed in the official document that quantified the number of enemy troops. Westmoreland, arguing that these people were "non-fighters," says that higher enemy-troop data then would have created a political problem for him in Washington, where a public relations battle was being waged by Johnson to maintain support for the war. The enemy numbers were supposed to be going down, not up.

"The irony is that none of us in Saigon paid any attention to the numbers," said Peter Braestrup, author of the "Big Story," a book on how the media covered the war. "But there was an obsession back in Washington with it, a quantification of every aspect of the war—number of days in the field, number of roads opened, number of engagements."

Braestrup and others say that the numbers were important, not for decisions on the war, but for Johnson's public relations effort. Stanley Karnow, author of "Vietnam: A History" said the war was filled with people tailoring numbers to fit the need half the world away in the White House.

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Karnow recalled the time that Ambassador Robert Komer, Johnson's pacification chief, produced "a progress report" that presented a rosy view of the war for the news media in Saigon. When reporters expressed disbelief, Karnow's book recounts, Komer said: "Listen, the president didn't ask for a 'situation report,' he asked for a 'progress report' . . . . "

Karnow added, "The numbers were tailored to fit the client."

Vietnam veterans say they bridled at the obsession with statistics. Body counts were often "estimated" out of thin air, they said.

Col. Summers recalled that during one battle, word came from Washington that his men had to not only fight, they had to count the number of rounds the enemy fired. "Eventually the attitude was 'They want numbers; we'll give them numbers,' " Summers said.

Thus, the battle in this courtroom focuses on whether the official enemy estimate should have been 600,000 men, women and children—as some Army intelligence and CIA agents thought in 1967—or whether it should have remained steady at the Westmoreland figure of about 300,000.

With the media uncensored for the first time in an American war and Americans questioning whether the lives and the money were worth the effort, Johnson's aide Walt W. Rostow often wanted to know "who was the problem" when there was any bad news, Washington Post reporter Don Oberdorfer wrote in his book "Tet!"

"There were no promotions for defeatists," Karnow said, recalling the admonition to the military in this war. "If the only statistics were to be good ones, then the other message that was getting through was that they didn't want realism."

Thus, the numbers were important to get public support for the president and for the military. But for historians and journalists, it means that this trial is less about the complex and bitter confrontation between the United States and the Viet Cong and more about a legal disagreement between a general and a network over the paper fight between the warriors who waged the war and the civilians who ran it.